

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: LEVITE=3

In re Application of:)	Conf. No.: 8418
)	
Mai LEVITE)	Art Unit: 1644
)	
Appln. No.: 10/809,425)	Examiner: A. E. Juedes
)	
Filed: March 26, 2004)	Washington, D.C.
)	
For: METHODS OF AND)	January 18, 2007
PHARMACEUTICAL)	
COMPOSITIONS FOR ...)	

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is responsive to the official action of October 18, 2006. Claims 1-16 presently appear in the case. All of the claims have been subject to restriction and election requirements. No claims have yet been acted upon on the merits. The official action of October 18, 2006, has now been carefully studied. Prompt consideration and allowance of all of the elected claims are hereby respectfully urged.

The examiner has required restriction among the following four groups of inventions:

Group I, including claim 3, drawn to an assay of determining an effect of glutamate or a glutamate analog on a T-cell related disease, wherein said glutamate analog is a downregulator of T-cell activation;

Group II, including claim 4, drawn to an assay of determining an effect of glutamate or a glutamate analog on a T-cell related disease, wherein said glutamate analog is an upregulator of T-cell activation;

Group III, including claims 8 and 12-16, drawn to a method of upregulating T-cell activity; and

Group IV including claims 10-11, drawn to a method of downregulating T-cell activity.

The examiner states that claims 1 and 2 are linking claims with respect to inventions I-II and that claims 5-7 and 9 are linking claims with respect to inventions III-IV.

Applicant hereby elects Group III, including claims 8 and 12-16. All of claims 5-9 and 12-16 read on the elected embodiment. It is understood that if a generic claim is found to be allowable, then claims 10 and 11 will also be examined.

The examiner has also made a species election requirement, in which applicant has been required to elect a specific method of modulating T-cell activity from the group consisting of *in vitro* or *in vivo*.

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Applicant hereby elects the *ex vivo* embodiment (which is called "*in vitro*" in claim 6). It is understood, however, that if any claim is found to be allowable, both species will be examined.

Finally, the examiner has required applicant to elect a specific T-cell related disease or condition, such as one of those listed in claim 16.

In response thereto, applicant hereby elects treatment of neoplastic disease. Again, if any generic claim is found to be allowable it is understood that all of the diseases will be examined.

Claims 5, 6, 8, 9, 12-14 and 16 read on the elected invention in species. Prompt consideration and allowance of all the elected claims are earnestly solicited.

Respectfully submitted,

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